

**COUNCIL MEETING**  
**MONDAY, NOVEMBER 5, 2018**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://www.lackawannany.gov)

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Schultz, Surdyke, Iafallo

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Public Works,  
Excused: Recreation

**Approval of Minutes:** of regular meeting of October 22, 2018

Moved by Iafallo seconded by Surdyke to adopt minutes of regular meeting of October 22, 2018 as written  
Yeas: Noman, Schultz, Surdyke, Iafallo Carried 4-0

**Departmental Reports:**

1. **City Comptroller-** A/P Check Listing #13, October 18, 2018
2. **City Comptroller-** A/P Check Listing #14, October 25, 2018

Moved Iafallo seconded by Noman to receive and file departmental reports one and two  
Yeas: Noman, Schultz, Surdyke, Iafallo Carried 4-0

**Communications from the Mayor:**

**Advertise for Bids-Library Windows**

3. To: City Council

I am requesting your Honorable Body to direct the City Clerk to Advertise for Bids for the Window Replacement Project at the Lackawanna Library, located at 560 Ridge Road, Lackawanna, New York 14218.

**MAYOR GEOFFREY M SZYMANSKI**

Moved by Iafallo seconded by Surdyke to approve request, direct the City Clerk to advertise for bids  
Yeas: Noman, Schultz, Surdyke, Iafallo Carried 4-0

**Residency Requirement-City Attorney**

4. To: City Council

I hereby write requesting the City Council waive the residency requirement for City Attorney Richard S. Juda, Jr. As you know under Section 5-38 of the City Charter each officer and employee of the city during the period of his or her employment is to maintain his or her residence within the corporate limits of the

city. As you know the shortage of attorneys within the city limits has led to previous requests for the same waiver. The City Attorney was born and raised in the city and has served in this capacity previously. The City Attorney has asked that I waive the residency requirements due to unforeseen circumstances.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Iafallo seconded by Noman to receive and file, act on resolution

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**4. (A) RESOLUTION # 20, 2018**

**WHEREAS**, Richard S. Juda, Jr., City Attorney was duly appointed City Attorney for the City of Lackawanna by Mayor Geoffrey M. Szymanski in September, 2018; and

**WHEREAS**, the City Council is empowered to waive the requirement of residency in those instances where the employer has difficulty hiring or promoting the most qualified person because of the residency requirement;

**NOW, THEREFORE BE IT**

**RESOLVED**, that pursuant to Chapter 5-38 of the Municipal Code of the City of Lackawanna the residency requirement for Richard S. Juda, Jr., City Attorney be and the same is hereby waived

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman to adopt resolution as written

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

\*\* Skipped to Agenda item #6, then Council returned to Agenda item #5

**Filling a Vacancy of a City Councilmember**

5. To: City Council

With the knowledge of the resignation of Councilman Leonard, I would like to raise the attention of section 3.2 of the City Charter:

§-3.2 Vacancies: Except as provided in General City Law § 2-a, Subdivision 2, any vacancy in the office of Councilman or Council President, other than expiration of the term of office, shall be filled by the Council. Any person appointed to fill a vacancy shall have the same qualifications as are required of a person elected to the office and shall be of the same political affiliation as the Councilman whose place has become vacant. The term of office of a Councilman appointed to fill a vacancy shall be until the commencement of the year next succeeding the first general election at which the vacancy can be filled after the happening of the vacancy.

As we are approaching an important time in our city with so many upcoming projects in the works and the future growth of the steel plant property underway, please consider filling the vacancy as soon as possible so we can continue moving forward in a positive direction.

I need not remind your honorable body that the purpose of a councilmember is to represent the people of their district. The sooner there is an appointment, the sooner we can return to normalcy.

**MAYOR GEOFFREY M. SZYMANSKI**

Moved by Iafallo seconded by Surdyke receive and file

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Communications from the Council:**

**Councilmember Resignation**

6. To: City Council

It has been a great honor to serve on behalf of the wonderful people of the City of Lackawanna as Third Ward Councilman. It is, however, with great difficulty that I announce my resignation as such, effective immediately.

I am proud to have played a role with you in Lackawanna’s forward progress and have enjoyed our collective civic spirit. I sincerely regret any inconvenience that this may cause. Thank you for your confidence and support of me; I will always be grateful for the opportunity to serve Lackawanna and especially, the wonderful residents of the Third Ward.

**WILLIAM R. LEONARD**

Moved by Iafallo seconded by Surdyke to receive and file

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Communications from Department/Division Heads:**

**Tabled Agenda Items-Over 90 Days**

7. To: City Council

The policy established by the City Council on May 20, 1991, directs that all tabled items not acted upon within ninety (90) days be deemed null and void and to be resubmitted to the City Council to be received and filed. I respectfully submit the following tabled agenda items over 90 days for Council review:

<u>Meeting Date</u>	<u>From:</u>	<u>Regarding:</u>
07/16/18 - #9	Council Member Noman	Demolish 76 Holland Avenue
07/26/18 - #3	Law Department	Agreements with Upstate Tower
07/26/18 - #5	Law Department	Parking set-back, Colton Avenue

**JEFFREY P. DEPASQUALE-CITY CLERK**

Moved by Iafallo seconded by Schultz to receive and file

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Commissioner of Deeds –Police Department**

8. To: City Council

This letter serves to request your honorable body renew the attached listing of personnel that serve as Commissioner of Deeds for the Police Department. The licenses will expire on December 31, 2018. If you have any questions, feel free to contact me.

(Complete list on file with the City Clerk)

**JAMES T. KUNA-DIRECTOR of PUBLIC SAFETY**

Moved by Iafallo seconded by Schultz to approve commissioner of deeds status

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Hamburg Turnpike Paving Project-Inter-fund Advance**

9. To: City Council

Please approve an additional inter-fund advance between the General Fund and the Capital Fund to pay for the Hamburg Turnpike paving project. The Capital Fund will repay the advance within the 2018-2019 fiscal year when the CDBG and CHIPS reimbursement is received.

If you have any questions please feel free to contact me.

**CAROLYN A. NICOMETO-COMPTRROLLER**

Moved by Iafallo seconded by Schultz to receive and file, act on ordinance

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**9. (A) AN ORDINANCE AUTHORIZING AN INTER-FUND ADVANCE BETWEEN THE GENERAL FUND AND THE CAPITAL FUND**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the General fund will advance \$30,000.00 to the Capital Fund for the Hamburg Turnpike paving project

**SECTION 2.** That the Capital Fund will repay the advance within the 2018-2019 fiscal year when the CHIPS reimbursement is received

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Schultz to adopt ordinance as written

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Jackson/Madison/Elm Paving Project-Inter-fund Advance**

10. To: City Council

Please approve an additional inter-fund advance between the General fund and the Capital Fund to pay for the Jackson Avenue, Madison Avenue and Elm Street paving project. The Capital Fund will repay the advance within the 2018-2019 fiscal year when the CDBG and CHIPS reimbursement is received.

If you have any questions please feel free to contact me.

**CAROLYN A NICOMETO-CITY COMPTRROLLER**

Moved by Iafallo seconded by Noman to receive and file, act on ordinance

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**10. (A) AN ORDINANCE AUTHORIZING AN INTER-FUND ADVANCE BETWEEN THE GENERAL FUND AND THE CAPITAL FUND**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the General Fund will advance \$25,000.00 to the Capital Fund for the Bethlehem Park paving project

**SECTION 2.** That the Capital Fund will repay the advance within the 2018-2019 fiscal year when the CHIPS reimbursement is received

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Schultz to adopt ordinance as written  
Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Commissioner of Deeds-Department of Development**

11. To: City Council

Wanda Turner, Drew Ortega and Joseph Geyer request to be approved as Commissioner of Deeds. If you have any additional questions or concerns feel free to contact me at your earliest convenience.

**DREW SHAPIRO-DIRECTOR of DEVELOPMENT**

Moved by Iafallo seconded by Surdyke to approve commissioner of deeds status

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Waive Rules:**

Moved by Iafallo seconded by Surdyke to waive rules

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Brownfield Opportunity Area Grant Lackawanna First Ward Step 3**

To: City Council

I am requesting to waive the rules to transfer funds for the Brownfield Opportunity Area Grant-Lackawanna First Ward Step 3 so that we may be current with our payments while we wait for reimbursement from the State.

If you have any questions please feel free to contact me.

**CAROLYN NICOMETO-CITY COMPTROLLER**

Moved by Iafallo seconded Noman to receive and file, act on ordinance

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 12, 2018**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to increase appropriations and transfer funds for Capital Project-Brownfield Opportunity Area Grant Lackawanna First Ward Step 3

**SECTION 2.** That the 2018-2019 Budget Ordinance is hereby amended to increase by \$315,000.00 budget code A.9000.9551 Transfer to Other Fund Capital from Fund Balance

**SECTION 3.** That the 2018-2019 Budget Ordinance is hereby amended to increase by \$315,000.00 budget code H.000.5031 Capital Fund-Interfund Transfers

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman to adopt ordinance as written

Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

**Adjournment:**

Moved by Iafallo seconded by Surdyke meeting adjourned  
Yeas: Noman, Schultz, Surdyke, Iafallo

Carried 4-0

---

Annette Iafallo-Council President

---

Jeffrey P. DePasquale, City Clerk